

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Joseph Salesky et al.

APPLICATION NO.: 08/823,744

TITLE: A Computer Conferencing System with Real-Time,
Multipoint, Multi-Speed, Multi-Stream Scalability

FILING DATE: March 25, 1997

ART UNIT: 2152

CONF. NO.: 7787

ATTY.DKT.NO.: PA2851US

PETITION FOR RECONSIDERATION OF PETITION TO EXPUNGE

ASSIGNMENT RECORDS UNDER 37 C.F.R. § 1.182

A decision (*DECISION ON PETITION*) was rendered on February 3, 2010 for the petition filed October 28, 2009. (*PETITION*) The *PETITION* sought to expunge duplicative, erroneously recorded conveyances (*Assignments 2, 3, and 6*) in the application's Patent Assignment Abstract of Title. ("Assignment 2," "Assignment 3," and "Assignment 6" as listed in the Application's Patent Abstract of Title, see the attached Appendix A.) The Office of Petitions denied the *PETITION* on the basis that the petitioner failed to prove that "(A) the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) will not provide the petitioner with adequate relief; and (B) the integrity of the assignment record will not be affected by granting the petition. See *DECISION ON PETITION*, p. 1.

MPEP § 323.01(a) THROUGH § 323.01(c) FAIL TO PROVIDE THE PETITIONER WITH ADEQUATE RELIEF

The *DECISION ON PETITION* indicates that the USPTO will not normally resort to an extraordinary remedy . . . if the rules of practice and procedure before the USPTO already provide an avenue for the requested relief." *DECISION ON PETITION*, p. 1. The petitioner submits that the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) do **not** provide the petitioner with adequate relief. MPEP § 323.01(a) covers corrections to typographical errors on a recorded cover sheet while MPEP § 323.01(b) covers typographical errors in a recorded assignment document. MPEP § 323.01(c) concerns an improperly filed assignment or name change recorded by another person against the owner's application or patent.

There were **no typographic errors** on the recorded cover sheet or recorded assignment document of *Assignments 2, 3, or 6*. There was also **no assignment or name change improperly filed and recorded by another person** in *Assignments 2, 3, or 6*. The error in this case does **not** arise from an error present *in* any document or from an error by another person. Rather, *Assignments 2, 3, and 6* should **never have been recorded** against the present application. A "corrective document," therefore, cannot serve to correct a document (conveyance) that should not have been present in the assignment record in the first place. As there are no typographical errors to correct in the recorded cover sheet or recorded assignment document, or no assignments or name changes improperly filed and recorded by another in this case, MPEP § 323.01(a) through 323.01(c) do not provide an avenue to remove these mistakenly recorded conveyances from the assignment record.

Assignment 2 and Assignment 3

MPEP § 323.01(a) through MPEP § 323.01(c) do not provide an avenue to remedy the duplicative, erroneous recordings of *Assignment 2* and *Assignment 3*. The petitioner seeks to expunge *Assignment 2* and *Assignment 3* from the application's assignment

record since these assignments were mistakenly recorded against the present application. *Assignment 1*, previously recorded against the present application on March 2, 1999 at reel/frame number 009793/08, reflects the assignment from the inventors (*Applicants*) to Picture Talk, Inc. *Assignment 2* and *Assignment 3* are identical to *Assignment 1* and were mistakenly recorded against the present application on February 7, 2008. These assignments were intended for another application and **should not have been recorded** against the present application. *Assignment 2* and *Assignment 3* are **identical to and duplicative of Assignment 1**.

Assignment 6

The normal corrective procedures outlined in MPEP § 323.01(a) through MPEP § 323.01(c) also do not provide an avenue to remedy the erroneous recording of *Assignment 6*. As with *Assignments 2* and *3*, the petitioner seeks to expunge *Assignment 6* which was mistakenly recorded against the present application. *Assignment 8*, was recorded against the present application on April 27, 2008 at reel/frame number 020865/0435, and reflects the name change from Picture Talk, Inc. to Skky Interactive, Inc. *Assignment 6* is identical to *Assignment 8* and was mistakenly recorded against the present application on February 7, 2008. *Assignment 6* was intended for another application and **should not have been recorded** against the present application. *Assignment 6* is **identical to and duplicative of Assignment 8**.

Assignments 2, 3, and 6 should not have been recorded against the present application in the first place. The normal corrective procedures outlined in MPEP § 323.01(a) through MPEP § 323.01(c) do not address remedying mistakenly recorded assignments. As such, the petitioner respectfully requests that this petition to expunge duplicative, erroneously recorded conveyances on the assignment record be granted.

**GRANTING THIS PETITION WILL NOT AFFECT THE INTEGRITY OF THE
ASSIGNMENT RECORD**

Petitioner seeks to expunge duplicative, erroneously recorded assignments in the application's Patent Assignment Abstract of Title. **Granting this petition will not materially affect or harm the integrity of the assignment record.** Instead, granting this petition will simplify the public's ability to understand the Application's Patent Abstract of Title since **merely duplicative information** will be expunged from the assignment record. The assignment of the *Applicants'* interests to Picture Talk, Inc. and the name change from Picture Talk Inc. to Skky Interactive were **previously and properly recorded** against the Application at reel/frame numbers 009793/0840 (*Assignment 1*) and 020865/0435 (*Assignment 8*), respectively. *Assignment 2* and *Assignment 3* are duplicative of *Assignment 1*, and *Assignment 6* is duplicative of *Assignment 8*. As duplicative recordings on the assignment record, *Assignments 2, 3, and 6* only serve to convolute the assignment record. Granting this petition would resolve the errors in the Application's Patent Abstract of Title and leave the assignment record intact and complete.

With all requirements for granting this petition having now been met, the petitioner contends that this petition to expunge duplicative, erroneously recorded conveyances on the assignment record be granted. The Office of Petitions or any other Patent Office official is respectfully requested to contact the petitioner's undersigned representative with any questions.

Respectfully submitted,
Joseph Salesky et al.

March 1, 2010

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APPENDIX A



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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 9

Patent #: 6343313

Issue Dt: 01/29/2002

Application #: 08823744

Filing Dt: 03/25/1997

Inventors: JOSEPH SALESKY, PETER MADAMS, JOHN FLOWER, CLINT KAUL, BENJAMIN WELLS et al

Title: A COMPUTER CONFERENCING SYSTEM WITH REAL-TIME, MULTIPONT, MULTI-SPEED, MULTI-STREAM SCALABILITY

Assignment: 1

Reel/Frame: 009793/0840

Recorded: 03/02/1999

Pages: 9

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: SALESKY, JOSEPH

Exec Dt: 07/15/1997

MADAMS, PETER

Exec Dt: 07/16/1997

FLOWER, JON

Exec Dt: 07/14/1997

KAUL, CLINT

Exec Dt: 07/14/1997

WELLS, BENJAMIN

Exec Dt: 07/11/1997

JANNE, EDWARD ARTHUR HO-MING

Exec Dt: 07/11/1997

Assignee: PICTURE TALK, INC.

4234 HACIENDA DRIVE, SUITE 200

PLEASANTON, CALIFORNIA 94588

Correspondent: TOWNSEND AND TOWNSEND AND CREW LLP

PHILIP H. ALBERT

TWO EMBARCADERO CENTER, 8TH FLOOR

SAN FRANCISCO, CALIFORNIA 94111-3834

Assignment: 2

Reel/Frame: 020495/0024

Recorded: 02/07/2008

Pages: 10

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: SALESKY, JOSEPH

Exec Dt: 07/15/1997

MADAMS, PETER

Exec Dt: 07/16/1997

FLOWER, JON

Exec Dt: 07/14/1997

KAUL, CLINT

Exec Dt: 07/14/1997

WELLS, BENJAMIN

Exec Dt: 07/11/1997

JANNE, EDWARD ARTHUR HO-MING

Exec Dt: 07/11/1997

Assignee: PICTURETALK, INC.

4234 HACIENDA DRIVE, SUITE 200

PLEASANTON, CALIFORNIA 94588-2721

Correspondent: CARR & FERRELL LLP

PATENT DEPARTMENT

2200 GENG ROAD

PALO ALTO, CA 94303

Assignment: 3

Reel/Frame: 020495/0047

Recorded: 02/07/2008

Pages: 8

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: SALESKY, JOSEPH

Exec Dt: 07/15/1997

MADAMS, PETER

Exec Dt: 07/16/1997

FLOWER, JON

Exec Dt: 07/14/1997

KAUL, CLINT

Exec Dt: 07/14/1997

WELLS, BENJAMIN

Exec Dt: 07/11/1997

JANNE, EDWARD ARTHUR HO-MING

Exec Dt: 07/11/1997

Assignee: PICTURE TALK, INC.
4234 HACIENDA DRIVE, SUITE 200
PLEASANTON, CALIFORNIA 94588-2721

Correspondent: CARR & FERRELL LLP
PATENT DEPARTMENT
2200 GENG ROAD
PALO ALTO, CA 94303

Assignment: 4

Reel/Frame: 008759/0231 **Recorded:** 10/27/1997 **Pages:** 16

Conveyance: SECURITY AGREEMENT

Assignor: PICTURETALK, INC.
Assignee: COMPUTERPREP, INC.
SUITE 600
410 NORTH 44TH STREET
PHOENIX, ARIZONA 85008

Exec Dt: 09/24/1997

Correspondent: HODGSON, RUSS, ANDREWS, WOODS ET AL
MARTIN G. LINIHAN, ESQ.
INTELLECTUAL PROPERTY LAW SECTION
1800 ONE M&T PLAZA
BUFFALO, NY 14203

Assignment: 5

Reel/Frame: 008990/0107 **Recorded:** 02/19/1998 **Pages:** 13

Conveyance: SECURITY INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: PICTURETALK, INC.
Assignee: CALVERT SOCIAL INVESTMENT FUND
SUITE 1000N
4550 MONTGOMERY AVENUE
BETHESDA, MARYLAND 20814

Exec Dt: 12/16/1997

Correspondent: SUSAN WALKER BENDER
4550 MONTGOMERY AVENUE
SUITE 1000N
BETHESDA, MD 20814

Assignment: 6

Reel/Frame: 020487/0764 **Recorded:** 02/07/2008 **Pages:** 4

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: PICTURETALK, INC.
Assignee: SKY INTERACTIVE, INC.
4234 HACIENDA DRIVE, SUITE 200
PLEASANTON, CALIFORNIA 94588-2721

Exec Dt: 02/11/1999

Correspondent: CARR & FERRELL LLP
PATENT DEPARTMENT
2200 GENG ROAD
PALO ALTO, CA 94303

Assignment: 7

Reel/Frame: 010280/0073 **Recorded:** 10/01/1999 **Pages:** 3

Conveyance: SECURITY AGREEMENT

Assignor: PICTURE TALK, INC.
Assignee: SKY INTERACTIVE, INC.
SUITE 200
4234 HACIENDA DRIVE
PLEASANTON, CALIFORNIA 94588

Exec Dt: 03/04/1999

Correspondent: TOWNSEND AND TOWNSEND AND CREW LLP
PHILIP H. ALBERT
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Assignment: 8

Reel/Frame: 020865/0435

Recorded: 04/27/2008

Pages: 4

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: PICTURE TALK, INC.

Exec Dt: 03/04/1999

Assignee: SKKY INTERACTIVE, INC.

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SUITE 200
PLEASANTON, CALIFORNIA 94588-2721

Correspondent: PHILIP H. ALBERT

TOWNSEND AND TOWNSEND AND CREW LLP
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SAN FRANCISCO, CA 94111-3834

Assignment: 9

Reel/Frame: 010276/0022

Recorded: 09/30/1999

Pages: 3

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: SKKY INTERACTIVE, INC.

Exec Dt: 05/12/1999

Assignee: PIXION, INC.

4234 HACIENDA DRIVE, SUITE 200
PLEASANTON, CALIFORNIA 94588

Correspondent: TOWNSEND AND TOWNSEND AND CREW LLP

PHILIP H. ALBERT
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SAN FRANCISCO, CA 94111-3834

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